

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Randy M. Mastro
Direct: +1 212.351.4000
Fax: +1 212.351.4035
RMastro@gibsondunn.com

December 14, 2015

FILED ELECTRONICALLY VIA ECF

The Honorable George B. Daniels
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1310
New York, NY 10007-1312

Re: Brown v. DraftKings, Inc., No. 15-cv-8165 (GBD)

Dear Judge Daniels:

We represent Defendant DraftKings, Inc. (“DraftKings”) in the above-referenced matter. We write to request an adjournment of the initial pretrial conference in this action, which is currently scheduled to be held before Your Honor on January 6, 2016 (Dkt. 5). In light of this Court’s Order extending Defendant’s deadline to respond to the complaint until after the Judicial Panel on Multidistrict Litigation (“JPML”) has ruled on the pending petitions to consolidate this and more than three dozen other putative class actions into MDL proceedings (“MDL Petitions”) (Dkt. 8), it would be premature to hold such a conference before the JPML rules. The parties anticipate that the hearing on the MDL Petitions will be held on January 28, 2016. Until such time, it will not be possible to determine the appropriate adjustments to the other case management deadlines contained in this Court’s Scheduling Order.

Therefore, this letter respectfully requests that the initial pretrial conference be adjourned and the scheduling order be annulled pending the JPML ruling on the MDL Petitions. We have consulted with counsel for Plaintiff, who does not object to this request. There have been no prior requests for such an adjournment.

GIBSON DUNN

The Honorable George B. Daniels
December 14, 2015
Page 2

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: Randy Mastro
Randy M. Mastro

Randy M. Mastro
Avi Weitzman
200 Park Avenue, 48th Floor
New York, New York 10166
Telephone: 212-351-4000
Facsimile: 212-351-4035
Email: RMastro@gibsondunn.com
AWeitzman@gibsondunn.com

James Fogelman
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213-229-7000
Fax: 213-229-7520
Email: JFogelman@gibsondunn.com

Attorneys for Defendant DraftKings, Inc.

cc: Lawrence P. Eagel
Jeffrey H. Squire
Justin A. Kuehn
Bragar Eagel & Squire, P.C.
885 Third Avenue
New York, NY 10022

*Attorneys for Plaintiff Steven Brown,
On behalf of himself and all others
similarly situated*